

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE COMPLAINT

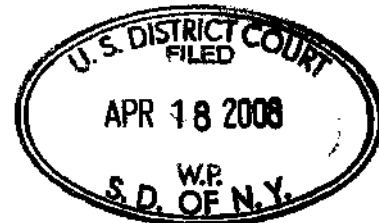
of

TARA A. PINAND, as owner of a 21' 1999 Rivera
Cruisers Pontoon Boat for Exoneration From or
Limitation of Liability,

Petitioner.

08 CIV. 3686
Civil Action No.: 08 CV

**ORDER RESTRAINING SUITS,
APPROVING PETITIONER'S
SECURITY, DIRECTING ISSUE
OF NOTICE AND
THE FILING OF CLAIMS**



WHEREFORE, a Complaint having been filed herein on April 17, 2008, by the above-named Petitioner as the owner of a 1999 twenty (20) foot Riviera cruiser pontoon-style vessel (Mfg. ID# RCD6876OI899) ("Pontoon-Style Vessel") for Exoneration from or Limitation of Liability, pursuant to 46 U.S.C. §30501 et seq., and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure concerning any alleged claims, damages, and/or losses arising out of or resulting from an accident alleged to have occurred on or about June 29, 2007, while the Petitioner's Pontoon-Style Vessel was on the navigable waters of Greenwood Lake, Orange County, State of New York, as more fully described in the Complaint; and ✓

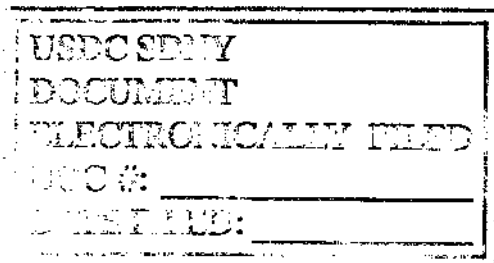
WHEREAS, the Complaint filed having stated that the value of the Petitioner's interest in the Vessel did not exceed the sum of \$5,440 on the date of the alleged accident; and ✓

WHEREAS, the Petitioner has filed with the Court an *Ad Interim* Security dated April 17, 2008, for the benefit of any and all Claimants, by business check payable to Clerk of Court-SDNY to be held by the Clerk of the Court, equal to the amount or value of Petitioner's interest in the said Pontoon-Style Vessel, it is hereby,

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ORDERED that the above-described *Ad Interim Security* in the sum of \$5,440.00 as aforesaid, filed by Petitioner for the benefit of any and all Claimant(s) as security representing the Petitioner's interest in the Vessel, be and is **hereby approved**, and

IT IS FURTHER ORDERED that the Court, only upon motion and good cause shown, shall cause appraisal of the value of the Pontoon-Style Vessel and may thereupon order said security increased or reduced if it finds the amount thereof insufficient or excessive, and

IT IS FURTHER ORDERED that any Claimant in these proceedings may express, only upon good cause shown and by written motion filed with the Court and served upon all parties of records, its dissatisfaction with the security and, in this event, Petitioner shall within thirty (30) days of the entry of an order by the Court concerning the security; cause security to be posted in the form provided by Supplemental Rule F(1) of the Federal Rules of Civil Procedure and satisfactory to this Court failing which the injunction entered concurrently herewith will be vacated as to all Claimants, and the Court will make such further orders as the justice of the cause may require, and

IT IS FURTHER ORDERED that a Notice shall be issued by the Clerk of this Court to all persons asserting claims or suits with respect to which the Complaint seeks Exoneration from or Limitation of Liability admonishing them to file their respective claims with the Clerk of this Court, in writing, and to serve on the attorneys for the Petitioner a copy thereof, **ON OR BEFORE THE 9th DAY OF June 2008**, or be defaulted; and if any Claimant desires to contest either the right to Exoneration from or Limitation of Liability, such Claimant shall file and serve on the attorneys for the Petitioner Tara A. Pinand, Mr. Jeffrey M. Malsch, Esq., Piscioti, Malsch & Buckley, P.C., 445 Hamilton Avenue, Suite 1102, White Plains, New York 10601, an Answer to the Complaint on or before the said date (unless the claim has included an Answer to the Complaint, so designated), or be defaulted, and

IT IS FURTHER ORDERED that the aforesaid Notice shall be published by Petitioner in the Times Herald Record, a newspaper with a general circulation including Orange County, New York, once a week for four (4) weeks before the return date of said Notice, as provided by the aforesaid Supplemental Admiralty Rule "F" and Copies of said Notice shall be

mailed by Petitioner in accordance with the rule to every person known to have any Claim against the Vessel or Petitioner, or to their attorneys, and ✓

IT IS FURTHER ORDERED that the further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution hereafter of any and all suits, actions, or proceedings of any nature and description whatsoever in any Court of any jurisdiction, or otherwise, against the Pontoon-Style Vessel owner and/or the Vessel itself, and the taking of any steps, discovery, and the making of any motion in such actions, suits or proceedings except in this action, to recover damages for or in respect to the aforesaid accident alleged in the Complaint, **be and they hereby are restrained, stayed and enjoined** until the hearing and determination of this action, and all warrants or arrest and/or attachment issued or sought in such other suits, actions or legal proceedings be and the same are hereby dissolved and further warrants of arrest and/or attachments are hereby prohibited, and ✓

IT IS FURTHER ORDERED that service of this Order as a Restraining Order be made through the Post Office by mailing a conformed copy hereof to the person or persons to be restrained or their respective attorneys. ✓

Dated: White Plains, New York
April 18, 2008

So Ordered:

Charles J. Prineas
U.S.D.J.